



7090-109N1/10504158

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

JUHASZ et al.

Serial No.: 10/643,834

Filed: August 19, 2003

For: DEVICE AND METHOD FOR
REDUCING CORNEAL INDUCED
ABERRATIONS CURING
OPHTHALMIC LASER SURGERY

Group Art Unit: 3739

Examiner: COHEN, Lee S.

TERMINAL DISCLAIMER

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTRALASE CORPORATION, having a principal place of business at 3 Morgan, Irvine, California 92618, and holding the entire right, title and interest to the above-identified application by virtue of assignment from the inventors recorded in the Patent and Trademark Office at Reel 009595 and Frame 0509 to Intralase Corporation, does hereby disclaim the terminal part of any patent granted on U.S. Patent Application S.N. 10/643,834 which would extend beyond the expiration date of any patent granted from U.S. Patent No. 6,623,476 and hereby agrees that any patent so granted on U.S. Patent Application S.N. 10/643,834 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted from U.S. Patent No. 6,623,476, this agreement to run with any patent granted on the

06/30/2005 RMEBRAHT 00000032 500337 10643834

02 FC:1814

130.00 DA

25549895.1

U.S. Patent Application S.N. 10/643,834 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, INTRALASE CORP. does not disclaim the terminal part of any patent granted on the U.S. Patent Application S.N. 10/643,834 that would extend to the expiration date of the full statutory term of U.S. Patent Application No. 6,623,476 in the event that U.S. Patent No. 6,623,476 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

The undersigned has reviewed a copy of the assignments pertaining to the chain of title of both the U.S. Patent Application S.N. 10/643,834 and U.S. Patent No. 6,623,476, and, to the best of the knowledge and belief of the undersigned, title of both are held by INTRALASE CORPORATION.

The undersigned is an attorney of record.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By:

Paul E. Krieger
Reg. No. 25,886

Dated: June 27, 2005

Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, TX 77010-3095
(713) 651-5151